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DEC 15 1999

CLERK, U.S. DISTRICT COURT

Attorneys for the WALKER RIVER PAIUTE
TRIBE

Attorneys for the UNITED STATES OF AMERICA

BY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,

Defendants.

WALKER RIVER PAIUTE TRIBE,

Counterclaimant,

UNITED STATES OF AMERICA,

Counterclaimant,

vs.

WALKER RIVER IRRIGATION DISTRICT,

Counterdefendant,

STATE OF NEVADA,

Counterdefendant-Intervenor.

IN EQUITY NO. C-125
Subproceeding C-125-B

STIPULATED REPORT TO THE COURT

FILED
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On May 11, 1999, the Court issued an order addressing the *United States' and Walker River Paiute Tribe's Joint Motion for Leave to Serve First Amended Counterclaims, to Join Groundwater Users, to Approve Forms for Notice and Waiver, and to Approve Procedure for Service of Pleadings Once Parties Are Joined* (Aug. 19, 1998), in which the United States and the Walker River Paiute Tribe ("Tribe") seek to include groundwater claimants in service of the *First Amended Counterclaim of the United States of America* (July 31, 1997), and the *First Amended Counterclaim of the Walker River Paiute Tribe* (July 31, 1997), and the responses and reply to that joint motion. *Minutes of the Court* (May 11, 1999). At a telephonic hearing with the parties on May 21, 1999, the Court ordered the following:

[T]he parties will have forty-five (45) days from this date within which to submit a stipulation, or if a stipulation cannot be reached, then a statement of the issues on which there is agreement and the issues which are disputed with respect to planning and scheduling according to the order of the Court of May 11, 1999, and any matters that are related to the issues and problems referred to in that order.

Minutes of the Court (May 21, 1999). The Court indicated, however, that the 45 day period was flexible and the Court would allow additional time if necessary.

On June 30, 1999, the Court entered an order accepting a stipulation by the parties to extend the due date for submission of the stipulation or statement of the issues on which there is agreement and the issues which are disputed, from July 5, 1999 to August 16, 1999. On August 13, 1999, the Court entered a second order extending the date by another thirty days, from August 16, 1999 to September 30, 1999. The parties met in Carson City on September 2,

1 1999 to discuss the proposed stipulation that counsel for the Tribe and the United States
2 prepared, and again met telephonically on September 20, 1999 to continue those discussions.
3 Acting on a third stipulation by the parties, on September 30, 1999, the Court entered a third
4 order extending the date for submission of an agreement or statement of disputed issues to
5 October 29, 1999.
6

7 On September 29, 1999, the parties met telephonically to discuss specific concerns
8 regarding the proposed stipulation, and on October 22, 1999, counsel for the Walker River
9 Irrigation District submitted comments on behalf of the District, the State of Nevada and the
10 State of California regarding the United States' and Tribe's proposed stipulation. Counsel for the
11 District also submitted a revised stipulation for a case management order. On October 30, 1999,
12 again pursuant to the parties' agreement, the Court entered a fourth order extending the deadline
13 to December 15, 1999. On December 3, 1999, the parties met in Reno to discuss the competing
14 versions of a case management order. On December 8 and again on December 14, 1999, the
15 parties met telephonically to further discuss the approaches to a case management order in these
16 proceedings.
17

18 After diligently attempting to reach consensus in this matter, the parties have determined
19 that they are unable to reach agreement. Accordingly, the parties seek the Court's assistance in
20 determining the best way to proceed to address the issues raised in the United States' and Tribe's
21 first amended counterclaims. To this end, the parties have agreed that they should submit their
22 respective proposals for the future management of this proceeding by way of motion. The parties
23 stipulate and agree to the following schedule for submission of their respective motions: any
24 party wishing to file a motion concerning case management shall do so by January 21, 2000; any
25 party wishing to file a response to the motions concerning case management shall do so by
26
27
28

February 21, 2000; any party wishing to file a reply to responses to motions concerning case management shall do so by March 7, 2000.

Dated December 15, 1999

WOODBURN AND WEDGE

By: Dale E. Ferguson, for
GORDON H. DeRAOLI

Attorneys for WALKER RIVER IRRIGATION DISTRICT

BILL LOCKYER, Attorney General
of the State of California

By: Facsimile signature to follow
MARY E. HACKENBRACHT

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By: See facsimile signature attached
DAVID E. MOSER

Attorneys for CALIFORNIA TROUT, INC.

FRANKIE SUE DEL PAPA, Attorney General of
the State of Nevada

By: See facsimile signature attached
MARTA ADAMS

IT IS SO ORDERED.

DATED this 16 day of December, 1999.

KATHRYN E. LANDRETH, United States
Attorney

By: See facsimile signature attached
SUSAN L. SCHNEIDER

Attorneys for UNITED STATES OF AMERICA

GREENE, MEYER & McELROY

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ALICE E. WALKER

Attorneys for WALKER RIVER PAIUTE
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By: See facsimile signature attached

Attorneys for UNITED STATES BOARD OF
WATER COMMISSIONERS

Edward C. Reed, Jr.
EDWARD C. REED, JR., JUDGE
UNITED STATES DISTRICT COURT

1 Dated - December 15, 1999

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19 MARTA ADAMS

Case 3:73-cv-00127-MMD-CSD Document 92 Filed 12/22/99 Page 7 of 13

1 Dated _____, 1999

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DEC 15 '99 11:43AM WOODBURN & WEDGE

Case 3:73-cv-00127-MMD-CSD Document 92 Filed 12/22/99 Page 8 of 13

1 Dated 12/15/99, 1999

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CERTIFICATE OF MAILING

I certify that I am an employee of Woodburn and Wedge and that on this date, I deposited in the United States Mail, postage prepaid, a true and correct copy of the foregoing *STIPULATED REPORT TO THE COURT* in an envelope addressed to:

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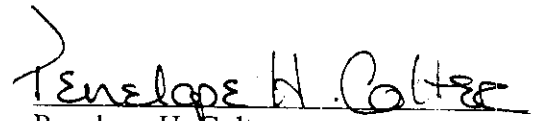
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2 Water Resources Control Board
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6 Dated this 15 day of December, 1999.

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